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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/727,491	CHEN ET AL.
	Examiner	**Art Unit**	
	Cong-Lac Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2005*.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: RCE filed 4/27/05 to the application

filed on 12/04/00.

2.   Claims 1-20 are pending in the case. Claims 1, 11, 14 are independent claims.

3.   The objection of figure 6 has been withdrawn in view of the submission of the

legible version of figure 6.

4.   The double patenting rejection of claims 1-20 over claims 1-6, 10-13, 18-21, and

27 of copending Application No. 09/727,524 has been withdrawn in view of the

amendment.

5.   The rejections of claims 1-2, 6, 9-12, 14, 18 under 35 U.S.C.102 (e) as being

anticipated by Gibbon have been withdrawn in view of the amendment.

6.   The rejections of claims 3-5, 15-17 under 35 U.S.C. 103(a) as being

unpatentable over Gibbon as applied to claims 1 and 14 above, and further in view of

Hui have been withdrawn in view of the amendment.

Claim Objections

7.   Claims 8, 13 and 20 are objected to since it appears that claims 8, 13, and 20 are

redundant since their limitations are already included in their independent claims 1, 11,

and 14.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

9.   Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Regarding independent claim 1, it does not make sense when storing the multimedia

description file and the multimedia repository file as a single multimedia

description/multimedia repository file because the "/" means the multimedia description

file OR the multimedia repository file. That means, the stored combination of the

multimedia description file and the multimedia repository file can be either a multimedia

description file or a multimedia repository file. This seems redundant since the claimed

multimedia repository file is actually a combination of the multimedia description file and

the multimedia assets (see the combining step). Further, since the modified multimedia

repository file is created based upon the combination of the multimedia assets and the

modified multimedia description file, it appears that storing the multimedia description

file and the multimedia repository file as a single multimedia repository file is more

proper than a single multimedia description file.

Additionally, it is suggested to change the word "creation" within "creation of a modified

multimedia description file ..." and "creation of a modified repository file upon ..." to

"creating" for consisting with the steps combining, storing, accessing, etc in the claim.

Claims 11 and 14 are rejected under the same issue.

Dependent claims 2-10, 12-13, 15-20 are rejected for fully incorporating the deficiencies

of their base claims 1, 11 and 14.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

12.   Claims 1-2, 6-14, 18-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Gibbon ((US Pat No. 6,473,778 B1, 10/29/02, filed 2/1/99, priority

12/24/98) in view of Lichtenstein et al. (US Pat No 6,077,311, 6/20/00, filed 7/9/97) and

Yokouchi (US Pat App Pub No 2001/0004258 A1, 6/21/01, filed 11/29/00).

Regarding independent claim 1 and its dependent claims 7 and 8, Gibbon discloses:

- incorporating multimedia assets into a framework as a series of related frames
  (figure 6, #612, #614, col 11, line 17 to col 12, line 6)

- creating a multimedia description file in a template for formatting multimedia
  assets (col 5, lines 1-19; figure 9, col 13, lines 63-67)

- combining the multimedia assets and the multimedia description file in the
  template through an automated processing program to create a multimedia
  repository file executable on a multimedia player (figure 9, col 13, line 53 to col
  14, line 7)

- creating hypermedia documents from conventional transcription of television
  programs wherein a hypermedia document is created by inserting multimedia
  content into the template using an *automated* method and an *automated*
  multimedia authoring tool for (col 2, lines 46-53, figure 9, and col 13, line 53 to
  col 14, line 7)

Gibbon does not disclose explicitly a batch-processing program to create a multimedia
repository file executable on a multimedia player.

Lichtenstein discloses that with all necessary inputs at the initial command line, the suite
of programs can perform all compilations and executions without further human
intervention, essentially in "batch mode" (col 19, lines 47-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the
invention was made to have combined Lichtenstein into Gibbon for showing that the
process of creating a multimedia repository file executable on a multimedia player in

Gibbon is a batch-mode process since said process is programmed and performed without human intervention.

Gibbon further discloses:

- storing the multimedia description file and the multimedia repository file as a single multimedia description/multimedia repository file on a storage device (figure 9: the fact that the HTML file, which is a combination of the description file and the image, video and audio, exists implies that said HTML file is stored for use)

- accessing the multimedia description file by at least one authoring session manager for access to the multimedia assets, (col 3, lines 18-28, 45-57, col 2, lines 8-12, figure 9 and col 13, line 53 to col 14, line 7: *accessing a large multimedia database* using *standard text* information retrieval system, selecting the best multimedia data for creating the content of a multimedia file)

Gibbon does not disclose:

- creating a modified multimedia description file in a template

- creating a modified multimedia repository file upon combination of the multimedia assets and the modified multimedia description file

- for each authoring session manager, storing a modified multimedia description/multimedia repository file on a storage device associated with the authoring session manager, wherein the modified multimedia repository file is configured for execution on a multimedia player

Yokouchi discloses:

- modifying the description file in a template ([0017], [0021], [0026], figures 2, 14)

- storing the editing description file ([0184])

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Yokouchi into Gibbon since the modifying feature in Yokouchi provides the advantage to incorporate into Gibbon for offering users various ways to present a template as desired by modifying the description file in the template for modifying the template.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have recognized that once the multimedia description file in a template is modified, the multimedia repository file is also modified since the multimedia repository file is a combination of the multimedia description file and the multimedia assets. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have recognized that once the multimedia repository file is modified with its stored editing description file, the multimedia repository file must be stored in a storage device since it was well known in the art that once data is created, data must be stored in a storage device for later use.

Regarding claims 2 and 9, which are dependent on claim 1, Gibbon discloses injecting other content into the multimedia description file (col 5, lines 1-19: placing anchors elsewhere in the text, modify the list to improve the document layout; col 2, lines 8-12: generating a hypermedia document in response to the user request using a selected

template implies that the multimedia content must be injected into the template, which is equivalent to the multimedia content description file, for said generating).

Regarding claim 6, which is dependent on claim 1, Gibbon discloses managing the creation of the template and the multimedia content description file in stages by different users (figure 9 and col 13, line 53 to col 14, line 7, col 2, lines 8-12).

Regarding claim 10, which is dependent on claim 1, Gibbon discloses that the multimedia repository file is a multimedia container in a binary format (col 11, lines 63-67: since the video frames extracted in digital format via the analog-to-digital converter, the multimedia file including video frames should also be in digital format, that means in the 1s and 0s of binary numbers).

Claims 11-12 are for a system of method claims 1 and 6 and are rejected under the same rationale.

Claims 14, 18 are for a program medium of method claims 1-2, 6, and are rejected under the same rationale.

Claim 13 is for a system of method claim 7, and is rejected under the same rationale.

Claims 19-20 are for a program medium of method claims 7-8, and are rejected under the same rationale.

13.   Claims 3-5, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gibbon and Lichtenstein as applied to claims 1 and 14 above, and further in view

of Hui (US Pat No. 6,654,030 B1, 11/25/03, filed 3/31/99).

Regarding claim 3, which is dependent on claim 1, Gibbon and Lichtenstein do not

disclose creating an XML based MVR file.

Hui discloses a XML-based video file (figure 1 and col 2, line 59 to col 3, line 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hui into Gibbon and Lichtenstein since the XML-based

video file in Hui suggests creating a multimedia file in XML-based format, providing the

advantage to apply the XML-based format instead of the HTML-based format to the

multimedia file in Gibbon (figure 9) for enhancing the display of multimedia files on the

web such as synchronizing the video files, a feature that HTML does not provide to

multimedia.

Regarding claim 4, which is dependent on claim 1, Gibbon and Lichtenstein do not

disclose using a textual editor to create an MVR-XML file.

Hui discloses a XML-based video file (figure 1 and col 2, line 59 to col 3, line 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hui into Gibbon since the XML-based multimedia file

would provide the advantage to apply to the HTML-based multimedia file, which is also

in markup language-based for conveying more features for a media file such as video

synchronizing, and it was well known in the art that the multimedia file in XML or HTML

format, which is a text file, is created using any text editor.

Regarding claim 5, which is dependent on claim 1, Gibbon and Lichtenstein do not

disclose using an MVR-XML file as a data interchange among other Rich Media Content

creation applications.

Hui discloses using an MVR-XML file as a data interchange among other Rich Media

Content creation applications (col 4, lines 49-65 and figure 4: disk 3 has media files for

different applications).

It would have been obvious to one of ordinary skill in the art at the time of the invention

was made to have combined Hui into Gibbon and Lichtenstein since Hui discloses using

an MVR-XML file as a data interchange among other Rich Media Content creation

applications providing the advantage to replace the MVR-HTML file in Gibbon for

advanced features for video files such as video synchronizing.

Claims 15-17 are a medium of method claims 3-5, and are rejected under the same

rationale.

Response to Arguments

14.   Applicant's arguments with respect to claims 1-20 have been considered but are

moot in view of the new ground(s) of rejection.

Applicants argue that Gibbon fails to disclose the claimed limitations as amended.

Examiner respectfully disagrees.

Lichentstein and Yokouchi, in combination with Gibbon, disclose the amended

limitations in the claim rejections above.

Conclusion

15.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Yang et al. (US Pat No. 6,301,586 B1, 10/9/01, filed 10/6/97).

Audleman et al. (US Pat No. 6,806,890 B2, 10/19/04, filed 8/17/99).

Park et al. (US Pat App Pub No 2001/0039594 A1, 11/8/01, filed 11/29/00, priority

11/29/99).

Kronenberg et al. (US Pat App Pub No 2004/0030778 A1, 2/12/04, filed 5/2/03, priority

9/23/99).

Wilkins et al. (US Pat App Pub No 2004/0133924 A1, 7/8/04, filed 12/15/00, priority

11/16/99).

Audleman et al. (US Pat App Pub No 2002/0196281 A1, 12/26/02, filed 8/17/99).

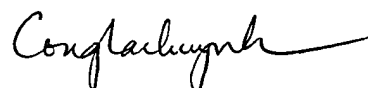Lennon (US Pat App Pub No 2003/0208473 A1, 11/6/03, filed 1/28/00).

Gupta et al. (US Pat App Pub No 2002/0059342 A1, 5/16/02, filed 10/23/97).

Plotkin (US Pat App Pub No 2001/0051962 A1, 12/13/01, filed 6/8/01, priority 6/8/00).

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-

4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-4125.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Cong-Lac Huynh
Examiner
Art Unit 2178
05/24/05